



H.R. 5938 – FORMER VICE PRESIDENT PROTECTION ACT OF 2008

FLOOR SITUATION

H.R. 5938 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative John Conyers (D-MI) on May 1, 2008. The House passed H.R. 5938 by voice vote on June 9, 2008. The Senate then amended and passed the bill by unanimous consent on July 30, 2008.

H.R. 5938, as amended, is expected to be considered on the floor of the House on September 15, 2008.

SUMMARY

Title I - Vice President Protection Act

H.R. 5938 provides U.S. Secret Service protection for former Vice Presidents, their spouses, and their children under age 16 for six months from the date the Vice President leaves office.

Title II - Identity Theft Enforcement and Restitution Act

Restitution: Allows victims of identity theft to seek restitution in an amount equal to the value of the time and money spent to remediate the identity theft.

Malicious Spyware, Hacking, and Keyloggers: H.R. 5938 increases the fines and imprisonment for individuals convicted of hacking or installing spyware or keylogging programs.

Cyber-Extortion: The bill expands the number of things included for criminal cyber-extortion to include threats to cause damage to a protected computer, threat to obtain information from a protected computer without authorization, or demands or requests for money or other things of value in relation to damage to a protected computer.

Cybercrimes: H.R. 5938 extends criminal penalties for cybercrimes to include conspiracy to commit cybercrimes.

Forfeiture of Property: The bill requires that when a person who violates or is convicted of computer fraud (Section 1030 Violations) is sentenced that they forfeit to the United States any personal property used to commit or facilitate fraud and any property that was derived from proceeds of the fraud.

Directive to the Sentencing Commission: H.R. 5938 requires the U.S. Sentencing Commission to review its guidelines and policy statements that apply to people convicted of computer crimes to reflect the intent of Congress that such penalties be increased.

BACKGROUND

The U.S. Secret Service was founded in 1865 as a branch of the U.S. Department of Treasury to contend with the counterfeiting of currency. Following the assassination of President William McKinley in 1901, the Secret Service was given a second mission of providing protection to the President.

Currently, the Secret Service is authorized to protect the President, Vice President, the President- and Vice President- elect, and their immediate families. They also protect former presidents, their spouses, and children until age 16. Former Vice Presidents are not entitled to Secret Service protection, however it can be extended to them by executive order or an act of Congress.

The House originally passed H.R. 5938 without Title II on June 9, 2008, by voice vote. The Senate then amended the bill by adding the Identity Theft Enforcement and Restitution Act (Title II) to the bill and passing it by unanimous consent on July 30, 2008. The Senate had previously passed the Identity Theft Enforcement and Restitution Act (S. 2168), as a stand alone bill, by unanimous consent on November 15, 2007, but the



LEGISLATIVE DIGEST

HOUSE REPUBLICAN CONFERENCE | CHAIRMAN ADAM PUTNAM

1420 LONGWORTH HOB, WASHINGTON, DC 20515

www.GOP.gov

PHONE 202.225.5107

FAX 202.226.0154

stand alone bill and its companion legislation in the House (H.R. 6060) introduced by Representative Adam Schiff (D-CA) were not considered by the Committee on the Judiciary.

Federal computer fraud and abuse laws protect computers in which there is a federal interest, like government computers, bank computers, and those used for interstate and foreign commerce.

COST

According to the Congressional Budget Office (CBO) estimate for House passed H.R. 5938, "Based on information provided by the Secret Service, CBO estimates that implementing H.R. 5938 would cost about \$4 million in fiscal year 2009, subject to the availability of appropriated funds. If the next Vice President leaves office after one term, then we estimate that the Secret Service would spend about \$4 million in fiscal year 2013 to protect the outgoing Vice President and his or her family. Otherwise, costs for the next Vice President would be incurred in 2017." ([CBO Cost Estimate](#))

According to the CBO cost estimate for S. 2168, "CBO estimates that implementing S. 2168 would have no significant effect on the federal budget. Enacting the bill could increase revenues and direct spending, but CBO estimates that any such impact would be insignificant." ([CBO Cost Estimate](#))

STAFF CONTACT

For questions or further information contact Brianne Miller at 6-2302.